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File No. EVP 1154

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REHABILITATION, HOUSING & BACKWARD CLASSES. DEPARTMENT

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B BRANCH Rev(CT) dt 28/2/57

Subject:— Administration of Evacuee Property Act 1950

E.R.S Dep. No. 97

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Karnataka

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CONFIDENTIAL

No.15(2)/54-Prop.-I Important/Confidential
Government of India
Ministry of Rehabilitation.

New Delhi, the 15th May, 1954.

From

Shri P.G.Zachariah,
Deputy Secretary to the
Government of India.

To

All Custodians of Evacuee property.

Subject: Administration of Evacuee property Act, 1950.

Sir,

I am directed to invite a reference to the Statement (copy enclosed) made by the Union Minister for Rehabilitation in parliament on 7th May 1954 and to say that necessary action is being taken to amend the Administration of Evacuee Property Act 1950 in accordance with that statement. It will, however, be appreciated that it will be sometime before the Bill is passed by Parliament. It has been decided that in the meanwhile, operation of clauses (d)(i), (d)(ii), (d)(iii), (d)(iv) and (d)(v) of section 2 of the Administration of Evacuee Property Act should be suspended in all cases in which the cause of action arises on or after 7th May 1954. It has further been decided that operationof section 40 of the Act should also be suspended where the transfer has been made after the 7th May 1954, and the property transferred has not been declared or notified as evacuee property before that date, and no prodeedings in respect of such property are pending under section 7 of the Administration of Evacuee Property Act in that date.

2. Thus, all properties which have been declared as evacuee properties or have already become liable before 7th May 1954 to be declared as evacuee property, but have not been declared as such under the existing law would continue to be subject to the provisions of the Administration of Evacuee Property Act, 1950. I am accordingly to request that no proceedings

under sections 7 and 40 of the Administration of Evacuee Property Act should be started in respect of cases in which the cause of action arises onor after 7th May 1954. But, where the cause of action arose prior to 7th May 1954, the proceedings already commenced in such cases will continue and should be completed without delay, and where proceedings have not been intiated, action may be taken under the Administration of Evacuee Property Act, 1950, as and when the facts come to light.

3. In this connection, I am further to request that in all cases where applications have already been made for prior approval for transfer of property under sectio n 40, necessary approval may be granted, unless proceedings in respect of such properties are pending under section 7 of the Administration of Evacuee Property Act on that date. All pending applications for the prior approval of the Custodians under section 40 should accordingly be disposed of in the light of these instructions without delay Custodians will be competent to give approval in such cases without reference to the Custodian General.

The receipt of this letter may kindly be acknowledged.

Yours faithfully,

Sd/- (P.G.ZACHARIAH)
Deputy Secretary to the
Government of India.

Copy to the Custodian General of Evacuee Property, New Delhi.
Copy to all the State Governments (except West Bengal, Assam, Manipur and Tripura and J&K State).

Copy to: i) P.S. to M(R)
ii) P.S. to DM(R)
iii) P.S. To Secretary.

Sd/-
DEPUTY SECRETARY.

MINISTRY OF REHABILITATION.

STATEMENT BY SHRI AJIT PRASAD JAIN, MINISTER FOR REHABILITATION, ON RECENT NEGOTIATIONS WITH PAKISTAN ON EVACUEE PROPERTY.

I would like to take this opportunity briefly to explain to the House the background to the recent negotiations in regard to the vexed problem of evacuee property so that the full significance of the latest developments may be appreciated better.

Following upon the meeting between the Prime Ministers of India and Pakistan at Karachi last July, discussions on evacuee property and claims of evacuees took place between the representativ of the two Governments during July-August 1953, for the first time since June 1950. While decisions were taken regarding implementatio of some of the items of Movable Property Agreement, no decisions were taken either in respect of immovable evacuee property, both rural and urban, or the more important items of movable property. Before the discussions concluded, the representatives of the two Governments agreed that the talks should be resumed in September 53. Subsequently, when the two Prime Ministers met again at Delhi in August 20, they reviewed the progress of talks at Karachi, and in the Joint Press Communique issued after their meeting on August 20, 1953, the hope was expressed that a meeting of the representatives the two governments would be held within a month for a further consideration of the problem.

While ratifying the decisions taken at Karachi, the Governmen of India in a letter dated September 4, 1953, formally extended an invitation to the Pakistan Government to resume discussions at Delhi some time in the third week of September 1953. No reply was received to this invitation. About a dozen reminders were sent thereafter, but our repeated suggestion for a meeting drew no response from the Pakistan Government. A communication was eventuall recieved in February this year inwhich it was suggested that a meeting might be held for a discussion of the unresolved items of the Movable Property Agreement.

As regards discussion on the problem of immovable evacuee property, an objection was raised in this communication against the interim compensation scheme announced by the Government of India, last November, and it was alleged that the quasi-permanent allotment of urban evacuee property contemplated under the scheme had created a new situation prejudicial to the proposed further discussions. We repudiated this objection because the quasi-permanent allotment contemplated under the interim compensation scheme maintained intact the legal ownership of original owners in their property.

The House is aware of the circumstances in which the interim compensation scheme was sanctioned. For want of settlement with Pakistan it had not been possible to finally settle the evacuee property with displaced persons. Consequently, the properties went on deteriorating andfalling into a state of disrepair. Discontent and frustration amongst displaced persons at the delay in payment of compensation had been mounting. The six-year old negotiations with Pakistan appeared to hold out no hope of an early end to the miseries of displaced persons. It was against this background, that, in order to afford some measure of relief to a section of the most needy displaced persons, the Government of India sanctioned the interim compensation scheme.

As I have already pointed out, the scheme does not in any way militate against the legal rights of evacuees in the properties they have left behind. In any case, quasi-permanent allotment of evacuee property did not introduce any new principle. Both the Governments of India and Pakistan have settled lakhs of refugees on agricultural lands on a quasi-permanent or a provisionally-permanent basis.

It is to be very much regretted that even after this authoritative clarification had been given by India, the Pakistan Minister for Refugees and Rehabilitation has again

repeated the allegation that India's decision to allot urban evacuee property on a quasi-permanent basis was a breach of the Karachin Agreement.

It is not for the first time that we have been accused of violating the January 1949 (Karachi) Agreement. This accusation has been repeated ad nauseam by more than one Pakistani Minister. I may take this opportunity to mention that, in October last year, I made an offer to my counterpart in Pakistan that an impartial agency mutually agreed upon by the two countries may be asked to determine which country - India or Pakistan - was responsible for wrecking this Agreement. I have refretfully to inform the house that this eminently fair method of ending this controversy was not accepted by Pakistan.

We pointed out to Pakistan that the implementation of the interim compensation scheme should not prejudice further negotiations in respect of immovable property. It was suggested to them that a meeting should be held in the beginning of April or even earlier to thrash out the most outstanding issues. To this suggestion, a reply was received on April 12 that Pakistan still required some more time to examine the various issues.

Reports, have in the meantime, appeared in the press that Pakistan Government were considering the quasi-permanent allotment of urban immovable evacuee property in that country. The Government of India have not received any official communication in this behalf, but they have only seen newspaper reports about the scheme. It would appear from the reports that the Pakistan Government are still working out the details of the scheme. Without examining the scheme itself, the House will appreciate that it will not be possible for Government to say how it would react on the interests of displaced persons who have left properties in

the other country. The Pakistan Government's reported decision, however, supports the Government of India's view that a humane solution of this vast and incredibly difficult problem is possible only at Government level, by the two Governments acquiring evacuee property and compensating the displaced persons in their territories out of it. This is the solution which the Government of India have urged repeated since the problem was first f discussed.

We would be happy to see the Pakistan Government pursue their reported decision to its logical conclusion and to agree to the solution urged by India, which would mitigate the sufferings of millions of evacuees in both the countries. However according to another report published in the Indian press a few days ago, the Pakistan Minister for Refugees and Rehabilitation is reported to have said at a press conference that he did not see any basis for further discussions with Indi on the subject of immovable property.

The Honourable Members are aware that for nearly seven years the Government of India have been endeavouring to persuade the Government of Pakistan to agree to a reasonable solution of this ~~mixed-question by~~ problem. One after the other, our proposals have been turned down sidetracked by Pakistan. We now feel that a decision regarding fate of evacuee property in this country can brook no further delay and the Government of Pakistan are being informed accordingly. We are communicating to the Government of Pakistan our intention to acquire the right and title of evacuee owners in their properties in this country and to utilise these properties for giving part compensation to the displaced persons. The final instalment of compensation must await a satisfactory settlement with Pakistan. We are clearly of the opinion that this course of action will be in the interests of the evacuees, inasmuch as a further deterioration of their properties will be halted, and the evacuees will get credit for the value of their properties when a final settlement in respect of evacuee properties is reached between the two countries. We can

have no objection if Pakistan decides to follow a course of action similar to ours. We do not think that the course of action we propose to follow would stand in the way of a settlement of the evacuee property issue between India and Pakistan.

We propose to finalise the details of the compensation scheme with the least possible delay, and the legislation necessary for its implementation will be introduced in Parliament after Pakistan has been addressed on the subject.

As a sequence to the proposals to whhhh I have just referred, the raison d'etre for the continuance of the evacuee property law, which we have always regarded as an abnormal law enacted to meet an extra-ordinary situation, will lose much of its force. We, therefore, consider it proper that the evacuee property law should cease to operate in regard to cases where the cause of action may arise in the future. The proposed abrogration of the law in respect of the future cases will, I have no doubt, remove the sense of grievance under which a section of the people in this country has laboured on account of the operation of this law. The Administration of Evacuee Property Act, 1950, will be suitably amended, and for this purpose I propose to introduce the necessary legislation in Parliament as soon as possible. Properties which have already been declared as evacuee property, or which have already become liable to be declared as evacuee property but have not yet been so declared under the existing law will, however, continue to be subject to the evacuee property law and will constitute a pool from which displaced persons will be compens

Pending the finalisation of the compensation scheme an the passing of the requisite elegislation, we propose to exte the interim-compensation scheme to other categories of displa persons.

HSS.
22/5

IMMEDIATE
CONFIDENTIAL.

EXPRESS LETTER.

To : All collectors.

No. EVP:1154/2579-B

Secretariat(Annexe),Fort,
Bombay(1), 15th March 1954.

Subject:- Indo-pakistan Movable property agreement of June,1950- Court deposits, deposits of minors and others under the guardianshipof courts- Deposits of Wards under the Court of Wards A(and encumbered estates- Revised Implementatic Instruction No. 8.

A copy of letter from the Government of India, Ministry of Rehabilitation, No.6(7)/54-N, dated the 22nd January 1954, on the above subject, is forwarded herewith. The Government of India have since enacted the necessary legislation referred to in paragraph 1 of the above mentioned letter vide the transfe of Evacuee Deposits Ordinance 1954 (Ordinance No. VI of 1954) published at pages 79-84, Part VI of the Bombay Government Gazette, dated the 18th February 1954. It is requested that in case of deposits of wards under the cort of wards Act steps may kindly be taken for the preparation of lists of deposits transferable under the agreement and collec ion of records pertaining thereto. It may please be ensured that preparation of the lists is completed by the 15th April 1954 at the latest and the progress reported to Government soon thereafter.

Sd/-
(N.M.JANI)
Assistant Secretary to the Government of Bombay,
Rhehabilitation Department.

Copy to Revenue Department, for information.

HSS.
22/5

No.6(7)/54-N
Government of India
Ministry of Rehabilitation.

New Delhi, January 22nd, 1954.

From

Shri P.G.ZACHARIAH,
Deputy Secretary to the Government of In

To

All State Governments (except West Bengal, Assam Manipur, Tripura, Jammu and Kashmir)

Subject;- Indo-pakistan movable prpperty agreement of June, 1950- Court deposits, deposits of minors and others under the guardianship of courts- Deposits of Wards under the Court of Wards Act and encumbered estates- Revised Implementation Instruction No.8.

Sir,

I am directed to invite a refernce to Implementation Instruction No.8 issued with this Ministrys letter No.II-(163-W)/50-IDC., dated the 2nd August, 1950, on the subject mentioned above and to say that the question has recently been discussed with the Pakistan Government and both the Governments has decided to assume legal powers to enable transfer of records and deposits of the nature mentioned above to the Government of the other country, and also to enable either Government to receive similarly, records and deposits from the other country for entrusting them to appropriate courts for further disposal, in accordance with the normal law, as if the deposits had originally been made in the receiving country. The draft of the necessary legislation has been exchanged between the two countries and steps are being taken to enact suitable legislation. It willbe appreciated that enactment of the legislation will take a little time. Meanwhile, I am to request that the State Governments may kindly take the following action so that transfer of deposits may start as soon as legislation has been passed:-

i) in the case of court deposits and deposits of minors and others under the guardianship of courts, the Honourable High Court/Chief Court/Judicial Commissioner may be moved to give directions to subordinate courts, where such directions have no already been give, to make lists of deposits transferable under the agreement and also give directions for consolidation of records pertaining to such deposits, if this has already not been done;

ii) in the case of x deposits of Wards under the Court of Wards Act, the State Government will kindly give necessary directions for preparation of lists of deposits, transferable under the agreement and colection of records pertaining thereto, if this has already not been done;

iii) in the case of deposits with the Managers Encumbered Estates, the State Governments will kindly give necessary directions for the preparation of lists of collection of records pertaining thereto.

The State Governments may kindly ensure that preparation of the lists referred to in (i) to (iii) above is completed by the 31st March 1954, at the latest, and the progress reported to this Ministry as soon as possible thereafter.

2. According to the Movable Property Agreement of June 1950, the transfer of court deposits was to apply to mass migration areas in both India and Pakistan. It has now been decided to extend the legislation in India to all States other than West Bengal, Assam, Manipur and Tripura.

3. Further instructions in the matter will be issued as soon as possible after the enactment of the proposed legislation.

Yours faithfully,

P.G.ZACHARIAH,
Deputy Secretary to the Government of India.

Copy forwarded to:-

1) All Custodians of Evacuee Property and Custodian general of Evacuee Property.

2) All Ministries of the Government of India.

KANWAR BAHADUR?
Under secretary to the Government of India.

HSS.
22/5

No.6(7)/54-N.
Government of India.
Ministry of Rehabilitation.

New Delhi, the 8th May, 1954.

From

Shri P.G.Zachariah,
Deputy Secretary to the Government of India.

To

All State Governments (except
West Bengal, Assam, Manipur,
Tripura & Jammu and Kashmir.

Sub: Indo-Pakistan movable property agreement of June, 1950 - Court deposits, deposits of minors and other under the guardianship of courts - Deposits of Wards under the Court of Wards Act and encumbered estates - Revised Implementation Instruction No.8.

Sir,

I am directed to invite a reference to this Ministry's letter No.6(7)/54-N, dated the 22nd January, 1954, on the subject mentioned above and to forward herewith a copy of transfer of E Evacuee Deposits Act. A copy of the rules when ready will also be forwarded to you. The question of appointment of Custodians of Deposits is under active consideration, and you will be advised of their appointments as soon as they are made.

2. It is presumed that the preparation of the various lists referred to in para 1 of this Ministry's letter cited above has been completed. I am to request that a copy of the lists may be sent to this Ministry, as early as possible. In case the preparation is still in progress, the compilation may be expedited, and the progress intimated to this Ministry. While intimating the progress, copies of the statements so far ready may also be sent.

Yours faithfully,

Sd/-
(P.G.ZACHARIAH)
DEPUTY SECRETARY TO THE
GOVERNMENT OF INDIA

Copy forwarded to all Custodians of Evacuee Property.

Copy forwarded to the Custodian General of Evacuee property.

Sd/-
Under Secretary to the
Government of India.

HSS.22/5

RECEIVED
ASSENT ON
26-3-1954.

THE TRANSFER OF EVACUEE DEPOSITS ACT, 1954(15 of 1954).

AN
ACT

to provide, in pursuance of an agreement with Pakistan, for the transfer to that country of certain deposits belonging to evacuees, the reception in India of similar deposits, belonging to displaced persons, and matters connected therewith.

WHEREAS an agreement has been arrived at with Pakistan for the transfer to that country of certain deposits belonging to evacuees, the reception in India of similar deposits belonging to displaced persons, and matters connected therewith;

BE it enacted by Parliament as follows:-

1. Short title, extent and commencement.-(1) This ACt may be called the Transfer of Evacuee Deposits Act, 1954.

(2) It extends to the whole of India, except the States of Assam, West Bengal, Tripura, Manipur and Jammu and Kashmir.

(3) It shall be deemed to have come into force on the 1st day of February, 1954.

2. Definitions,- in this Act, unless the context otherwise requires,

(a) "Custodian" means a Custodian of Deposits appointed under section 3, and includes an Assistant Custodian of deposits;

b) "deposit" means -

i) any movable property in the custody or under the control of any civil or revenue court in respect of any proceedings before it; or

ii) any movable property under the superintendence or in the custody of a court of wards under any law for the time being in force, whether such movable property is in the actual custody of the court of wards, or in that of some other authority on its behalf; or,

iii) any movable property in the custody of or under the control of a manager;

and includes any securities, insurance policies and negotiable instruments in the custody or under the control of any such civil or revenue court or under the superintendence or in the custody of such court of wards or in the custody or under the control of such manager.

Explanation I.- 'Securities' include shares, scrips, stocks, bonds, debentures, debenture stocks or other marketable securities of a like nature in or of anybody corporate and also Govt. securities.

Explanation II.- Where any deposit in the custody or under the control of any civil or revenue court or under the superintendence or in the custody of a court of wards or in the custody of under the control of the manager has bested in the Custodian of Evacuee Property as evacuee property, shall, for the

purposes of this Act, be deemed to be in the custody or under the control of such civil or revenue court or under the superintendence or in the custody of the court of wards or in the custody or under the control of the manager, as the case may be;

(c) "displaced person" means any person, who, on account of the setting up of the Dominions of India and Pakistan or on account of civil disturbances or the fear of such disturbances in any area now forming part of Pakistan, has, on or after the 1st day of March, 1947, left, or been displaced from, his place of residence in such area and who has been subsequently residing in India;

(d) "evacuee" means any person who, on account of the setting up of the Dominions of India and Pakistan or on account of civil disturbances or the fear of such disturbances, has, on or, after the 1st day of March, 1947, left any place in the territories to which this Act extends and who is now residing in any place forming part of Pakistan:

(e) "manager" means the manager of encumbered estate appointed under any law for the time being in force relating to encumbered estates;

(f) "transferable deposit" means a deposit in which an evacuee has any right or interest, to the extent of that right or interest;

(g) "prescribed" means prescribed by rules made under this Act.

3. Appointment of Custodian and Assistant Custodians of Deposits.—(1) The Central Government may, be notification in the Official Gazette, appoint a Custodian of Deposits and as many Assistant Custodians of Deposits as may be necessary for the purpose of discharging the duties imposed upon the Custodian and Assistant Custodians by or under this Act.

(2) Subject to the provisions of this Act, the Custodian and Assistant Custodians of Deposits shall discharge the duties imposed on them by the or under this Act under the general superintendence and control of the Central Government, and the central Government may, by general or special order, provide for the distribution of work among them.

(3) Subject to the provisions of this Act, the Assistant Custodians of deposits shall discharge the duties imposed on them by or under this Act under the general superintendence and control of the Custodian.

4. Transfer of deposits in mass migration area.— (1) Where a civil or revenue court or a court of wards situated in mass Migration area or the manager exercising jurisdiction in any such area is satisfied-

(a) in the case of a civil or revenue court other than a civil court exercising jurisdiction under the Guardians and Wards Act, 1890 (VIII of 1890) or the manager, that all the parties interested in a deposit are Muslims;

b) in the case of a civil court exercising jurisdiction under the Guardians and Wards Act, 1890(VIII of 1890), that both the guardian and the minor interested in a deposit are Muslims;

(c)...

(c) in the case of a court of wards having under its superintendence or custody a deposit, that the ward is a Muslim;

the civil or revenue court or the courts of wards or the manager, as the case may be, shall, as soon as may be after the commencement of this Act, transfer the deposit along with the records relating thereto such authorised officer or authority in Pakistan as the Central Government may, by general or special order, specify in this behalf

Provided that where, in the opinion of any such civil or revenue court or the court of wards or the manager, any of the persons interested in a deposit is not an evacuee, the deposit shall not be transferred to Pakistan under this section.

Explanation.- In this section, the excession 'mass migration area". means the territories comprised in the following states or areas, namely:-

i) the State of Punjab;

ii) the State of Patiala and East Punjab States Union:

iii) the State of Ajmer;

iv) the State of Delhi;

v) the stateof Himachal Pradesh:

vi) the districts of Alwar, Bharatpur and Bikaner in the State of Rajasthan, and the districts of Saharanpur, Dehra Dun, Meerut and Muzaffarnagar in the State of Uttar Pradesh.

5. Procedure for transfer of certain other deposits to Pakistan.-

(1) Where either on a request received in this behalf from any such officer or authority in Pakistan as may be specified in this behalf by the Central Government by notification in the Official Gazette, or on any other information available to him, the Custodian is of opinion that there is a transferable deposit to which the provisions of section 4 do not apply, he may send for the record relating thereto from any court or other authority and inspect the same.

(2) If, after making any such inspection as is referred to in sub-section (1) and after making such further inquiry into the matter as may be prescribed, the Custodian is satisfied that the deposit is a transferable deposit within the meaning of this Act, he, may by order, direct that the deposit shall be transferred to such authorised officer or authority in Pakistan as the Central Government may, by general or special order, specify in this behalf, and any court or other authority holding in its custody or under its control any such deposit shall comply with the direction.

(3) Notwithstanding anything contained in this section, where in respect of any deposit the extent of the right or interest of an evacuee in such deposit is not easily ascertainable or, having regard to the nature of the deposit, it is in the opinion of the Custodian not practicable to separate the right or interest of the evacuee from the right or interest of other persons in such deposit, the Custodian shall not transfer any part of the deposit to Pakistan.

6. Transfer of records relating to transferable deposits.- (1) Where a transferable deposit is directed to be transferred to Pakistan under the provisions of section 5, the Custodian may send the record relating to the deposit, or, if it is expedient so to do, only a certified copy of such part of the record as, in the opinion of the Custodian, is material to the case to the Government of Pakistan or to such officer or authority to whom or to which the deposit has been directed to be transferred.

(2) If a certified copy only is sent in pursuance of sub-section (1), the original record, together with a copy of the order of the Custodian under section 5, shall be returned to the court or other authority from which it was obbtained.

7. Power of court or Custodian to convert deposits into money before transmission Pakistan:- Where the transfer is to Pakistan of any article which is a transferable deposit is prohibited under any law for the time being in force, it shall be lawful for a civil or a revenue court, or the court of wards or the manager or the Custodian, as the case may be, to convert such article into money in such manner as may be prescribed, and upon such conversion the provisions of this Act shall apply to the proceeds thereof as they apply to a transferable deposit.

8. Cesser of jurisdiction in respect of deposits transferred:- Upon the transfer of any transferable deposit under section 4 or in purcuance of an order of the Custodian under section 5, all courts and authorities in India, shall, save as otherwise provided in this Act, cease to have or exercise any jurisdiction in relation to the deposit so transferred in so far as it relates to the right or interest of any evacuee in the deposit.

9. Reception in India of deposits transferred from Pakistan:- (1) It shall be lawful for the Custodian to receive and hold in his custody any deposit transferred by any such officer or authority in Pakistan as may be specified by the Central Government by general or special order as being a deposit belonging to any displaced person in India.

(2) On receipt of any such deposit as is referred to in sub section (1), the Custodian shall cause notice thereof to be given in such manner as may be prescribed to all persons who may, in his opinion, be interested in the deposit, and after giving a reasonable opportunity to such persons to be heard in the m atter and after inspecting any such record relating to the deposit as may be transferred from Pakistan, to dispose of the deposit in the manner following, that is to say -

(a) if there is only one claimant entitled to the deposit or if all the claimants, where there are more than one, appear before the Custodian and there is no dispute as to the distribution of the deposit, pay the deposit to that claimant or, as the case may be, distribute the deposit along the claimants in the manner agreed to by them:

(b) if all the claimants do not apear before the

Custodian of...

Custodian or if all such claimants apppear but do not agree as to the person or persons entitled to the deposit or to the manner of its distribution among them, the Custodian shall forward the deposit and the records relating thereto to the principal civil court of original jurisdiction within whose jurisdiction all, or the largest number of claimants, reside, or where the claimants residing within the jurisdiction of two or more courts are equal in number, to the court which in the opinion of the Custodian, would best serve the convenience of the claimants.

(3) The court to which a deposit and any record relating thereto are forwarded under sub-section (2) shall proceed to deal with the matter as if the deposit had been made in compliance with an order made by it in a p roceeding before it and, after making such further inquiry into the matter as it thinks fit, award the deposit to or distribute it among the person or persons who in it s opinion is or are entitled thereto

(4) An appeal shall lie from every order passed by any court under sub-section (3) to the court authorised to hear appeals from the decisions of such court if the amount or value of the subject matter of the claim made in the appeal exceeds two thousand rupees.

(5) The disposal of any deposit in accordance with the provisions of this section shall discharge the Custodian from any liability to any person in respect of the deposit.

10. Powers of Custodian;- The Custodian shall have all the powers vested in a civil court under the Code of Civil Procedure, 1908 (Act V of 1908), when trying a suit, in respect of the following matters, namely:-

(a) discovery of inspection;

b) enforcing the attendance of witnesses and requiring the deposit of their expenses;

c) compelling the production of documents;

d) examining the witnesses on oath;

e) receptionof evidence on affidavits;

f) issuing commissions for the examination of witnesses

and may summon and examine suo motu any person whose evidence appears to him to be material; and shall be deemed to be a civil court within the meaning of section 480 and section 482 of the Code of Criminal Procedure, 1908 (Act V of 1898).

Explanation.- For the purpose of enforcing the attendance of witnesses, the local limits of the jurisdiction of the Custodian shall be the local limits for which he is appointed.

11. Jurisdiction of civil courts barred.- No civil court shall have juriddiction to question the legality of any action taken or of any decision given by the Custodian or with the disposal of any deposit received from Pakistan

in connection with the transfer of any transferable deposit or with the disposal of any depsit received from Pakistan as belonging to a displaced person.

12. Protection of action taken in good faith:- No suit, prosecution or other legal proceeding shall lie against the Central Government or any Custodian or any other person in respect of anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made there under.

13. Power to make rules:- 1) The central Government may, by notification in the official Gazette, make rules to carry out the purposes of this Act.

2) In particular, and without prejudice to the generality of the foregoing power, such rules may -

a) define the terms and conditions of service of the Custodian and Assistant Custodians and the local limits of their respective jurisdictions and the distribution of work among them or the transfer of work from one to another of the Custodian and Assistant Custodians;

b) the manner in which deposits and records relating thereto may be transferred to Pakistan;

c) prescribe the manner in which any inquiry under this Act may be held;

d) the manner in which a transferable deposit may be converted into money under section 7;

e) specify the persons to whom and the manner in which notices of any proceedings under this Act shall be given;

f) prescribe the manner in which certified copies of any record may be prepared under this Act and the fees, if any, which may be levied in respect of such certified copies;

g) prescribe the form in which any application may be made to the Custodian under the Act.

14. Repeal of Ordinance 6 of 1954:- The Transfer of Evacuee Deposits Ordinance, 1954 (6 of 1954) is hereby repealed.

Copy of a letter No.6(5)/54-M, dated the 20th December 1954 from the Government of India, Ministry of Rehabilitation-New Delhi regarding implementation instruction No.6 of Indo-Pakistan Agreement on movable property- buried treasures of evacuees.

I am directed to refer to this Ministry's Secret letter of even number dated the 10th September 1954, regarding provision of armed escort to the Pakistan Liaison Officers in terms of the revised Implementation Instruction No.6.

2. The buried treasures operations have since started in Punjab (Pakistan) and some valuables have been recovered. It is therefore requested that instructions may now be issued to the Police authorities to provide armed escort to the Pakistan Liaison Officer on his request as provided in revised Implementation Instruction No. 6. A copy of the instructions when issued may be endorsed to this Ministry. It is further requested that this Ministry may be supplied with, after such operation, full particulars of the operations together with details of the articles recovered.

3. Receipt of this letter may kindly be acknowledged.

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SECRET

No.EVP.1154/40953-B
Rehabilitation Department,
Secretariat (Annexe), Fort
Bombay, 25th January 1955.

Forwarded with compliments in continuation of Government endorsement, Rehabilitation Department No.EVP1154/3630-B, dated the 10th February 1954 to:-

The Deputy Custodian of Evacuee Property, Bombay,

All Collectors and Deputy Custodians, of Evacuee Properties.

All District Superintendents of Police,

for information and guidance. On request from the Pakistan Liaison Officer necessary armed escort should be provided to him as laid down in the revised implementation Instruction No. 6 Their attention is also invited to the procedure accompanying the said Instruction No. 6. After each operation, full particulars of the operation together with details of the articles recovered should be furnished to this Department in duplicate for onward transmission to the Government of India.

By order and in the name of the Governor of Bombay,

Sd/- (N.V.JANI)
Assistant Secretary to the Government of Bombay,
Rehabilitation Department.

Copy forwarded with compliments for information to:-
The Home Department,
The Inspector General of Police, State of Bombay,
The Deputy Secretary to the Government of India, Ministry of Rehabilitation, New Delhi, with reference to his letter No.6(5)/54-M, dated the 20th December, 1954.